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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,206	01/29/2004	Alan Harris	426882002100	7582
29638	7590	08/07/2006	EXAMINER YACOB, SISAY	
BANNER & WITCOFF, LTD. ATTORNEYS FOR CLIENT NO. 005222 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606			ART UNIT	PAPER NUMBER 2612

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SJK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/769,206	HARRIS, ALAN	
	Examiner Sisay Yacob	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 May 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-6, 12 and 14-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-6, 12 and 14-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1 This communication is in response to applicant's amendment to a second non-final office action, which was filed May 30, 2006.

2 Amendments and arguments to claims 1-20 have been entered and made of record in the application of Harris "Event detection and transmission system" filed on January 29, 2004.

Claims 2-6 are amended.

Claims 1, 7-11 and 13 are canceled.

Claim 12 is the same as originally filed.

New claims 14-17 are introduced.

Claims 2-6, 12 and 14-17 are pending.

**Response to Arguments**

3 Applicant's amendments and arguments with respect to amended claims 2-6 and newly introduced claims 14-17 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendments and introduction of new claims.

Art Unit: 2612

4 Applicant's amendments and arguments to the rejected claim 12 is insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claim under 35 U.S.C 103(a) as discussed below. Applicant's amendments and arguments with respect to the pending claim 12, filed on May 30, 2006, have been fully considered but they are not persuasive for at least the following reasons.

5 On page 6, Par 3-5 and all subsequent applicant's argument with respect to claim 12, as to the Yarin et al., and Lind et al., failing to disclose, teach, or suggest "a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events".

Yarin et al., discloses a memory adapted to store data received from each data acquisition and transfer device as individual logs of detected events, (See col. 7, lines 3-5; Col. 8, lines 49-58; Col. 9-10), furthermore, Yarin et al., discloses the data acquisition and transfer device is capable of storing and transferring patient compliance with medication regiments by storing time and dosage information as well as other relevant information concerning the patients physical activities and diet.

6 On page 7, Par 1-2 and all subsequent applicant's argument with respect to claim 12, as to the Yarin et al., and Lind et al., failing to disclose, teach, or suggest "a data receiver station includes a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition".

Lind discloses a data receiver station includes a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition (Page 4, Par. 0043)

7 On page 7, Par 1-2 and all subsequent applicant's argument with respect to claim 12, as to the Yarin et al., and Lind et al., failing to disclose, teach, or suggest "a transfer devices at intervals determined by clock means which are normally in synchronism with the clock in the or each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when the or each target data acquisition and sensor device is switched".

Lind discloses a transfer devices at intervals determined by clock means which are normally in synchronism with the clock in the or each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when the or each target data acquisition and sensor device is switched (Page 3, Par. 0036), because for the sensor to automatically wake-up periodically there has to be an internal clock that sends a signal to the processor its time to wake-up.

8 On page 7, Par 3 and all subsequent applicant's argument with respect to the lack of motivation for combining Yarin et al., with Lind et al.

Both, Yarin et al., with Lind et al., disclose, teach, or suggest systems and methods for data receiver station for use with at least one data acquisition and transfer device, the device having a sensor responsive to change of a predetermined nature. Furthermore, Yarin et al., disclosure is in the same environment as the claimed invention and Lind et al., discloses in the background of the invention related art is used in monitoring of a patients physiological parameters (Page 1, Par. 0003).

### **Rejections - 35 USC § 103**

9 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11 Claims 2-6 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of de la Huerga (5,852,590) in view of US Publication of Lind et al., (20030033032).

12 As to claim 14, de la Huerga discloses a data acquisition and transfer device (Col. 3, lines 11-41) comprising a receptacle (Col. 8, lines 54-55; Item 20 of figures 2-4) having a lid (Col. 8, lines 56-57; Item 100 of figures 2-4 and 6-7), a sensor configured to sense removal of the lid from the receptacle (Col. 11, lines 9-21; Item 115 of figures 4, 6 and 9); a clock configured to generate an intermittent signal (Col. 12, lines 20-22; Item 145 of figure 9), and a transmitter coupled to the clock and the sensor and configured to transmit (Col. 11, lines 59-63; Item 140 of figure 9), responsive to receiving the intermittent signal from the clock (Col. 12, lines 17-25), however, de la Huerga does not expressly disclose the data being over a mobile phone network indicating removal of the lid as sensed by the sensor. In filed of application specific intelligent microprocessors, Lind et al., discloses a data acquisition and transfer device and a transmitter for transmitting over a mobile phone network data concerning the occurrence of a change to a receiver station (Page 4, Par. 0043; Page 6, Par. 0057, lines 23-32; Page 7, Par. 0068; See figure 11).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the data acquisition and transfer device of de la Huerga, by incorporating transmitting over a mobile phone network, as taught by Lind et al., in order to have a data acquisition and transfer device that transmit data over a mobile phone

network indicating removal of the lid as sensed by the sensor, because de la Huerga discloses a data acquisition and transfer device that wirelessly transmit indicating removal of the lid as sensed by the sensor and Lind et al., discloses a mobile phone network as one of a wireless transmission medium to transmit data from a data acquisition and transfer device. Also, using a mobile phone network to monitor patient conditions and compliance to treatment regiments is well known and is widely used in the health care provider environment.

13 As to claim 2, the device according to claim 14, further, de la Huerga discloses a memory for storing occurrence of removal of the lid, wherein the controller is configured to control the transmission of data stored in the memory response to receiving the intermittent signal from the clock (Col. 3, lines 25-34).

14 As to claim 3, the device according to claim 14, further, Lind et al., discloses a receiver for receiving a polling signal, wherein the controller is configured to be responsive to the receipt of the polling signal by the receiver to cause the transmitter to transmit the data (Page 4, Par. 0043, lines 7-15).

15 As to claim 4, the device according to claim 14, further, Lind et al., discloses wherein the sensor is configured to switch on responsive to the intermittent signal generated by the clock. (Page 3, Par. 0036, lines 7-9).

16 As to claim 5, the device according to claim 14, further, further, de la Huerga discloses wherein the receptacle is configured to contain drugs to be taken by a user (Col. 8, lines 54-67).

17 As to claim 6, the device according to claim 14, further, Lind et al., discloses at least one additional sensor adapted to monitor a physiological condition of a user of the device (Page 5, Par. 0054-0055).

18 As to claim 15, the data acquisition and transfer device of claim 14, further, Lind et al., discloses wherein the data comprises a text message (Page 5, Par. 0056).

19 As to claims 16 and 17, de la Huerga discloses a data receiver station (Col. 13, lines 40-43; Items 270 and 272 of figure 12) for use with a data acquisition and transfer device (Col. 12-14), the data acquisition and transfer device (Col. 3, lines 11-41; Item 10 of figures 2-4) having multiple sensors (Col. 11, lines 10-26; Item 115 of figure 6) each responsive to a change of a predetermined nature and a transmitter for transmitting data concerning an occurrence of each change to the data receiver station (Col. 6, lines 17-36). However, de la Huerga does not expressly disclose transmission being over a mobile phone network, wherein the data receiver station comprises a transmitter configured to send a first polling signal over the mobile phone network to the data acquisition and transfer device requesting data associated with a change detected by the first sensor, and a second polling signal over the mobile phone network to the data

acquisition and transfer device requesting data associated with a change detected by the second sensor, a receiver configured to receive the data associated with the first and second sensors over the mobile phone network, and a controller configured to determine a time for sending the second polling signal depending upon a content of the first data and to control the transmitter to send the second polling signal at the determined time. In filed of application specific intelligent microprocessors, Lind et al., discloses a data receiver station (Item 235 of figure 12), a data acquisition and transfer device (Item 200 of figure 12), and multiple sensors (Items 210 and 220 of figure 12; item 310 of figure 13) that transmits over a mobile phone network (Page 4, Par. 0043; Page 6, Par. 0057, lines 23-32; Page 7, Par. 0068; See figure 11), and the data receiver that send polling signals over the mobile phone network to the data acquisition and transfer device requesting data (Page 3, Par. 0036).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the data receiver station and data acquisition and transfer device of de la Huerga, by incorporating transmitting over a mobile phone network, as taught by Lind et al., in order to have a data receiver station for use with a data acquisition and transfer device, the data acquisition and transfer device having first and second sensors each responsive to a change of a predetermined nature and a transmitter for transmitting over a mobile phone network data concerning an occurrence of each change to the data receiver station, a data receiver station comprises a transmitter configured to send a first polling signal over the mobile phone network to the data acquisition and transfer device requesting data associated with a change detected by

the sensor, and a second polling signal over the mobile phone network to the data acquisition and transfer device requesting data associated with a change detected by the second sensor, a receiver configured to receive the data associated with the first and second sensors over the mobile phone network, because Lind et al., discloses data receiver station comprises a transmitter configured to send polling signals over the mobile phone network to the data acquisition and transfer device requesting data associated with a change detected by the multiple sensors at the determined time and skilled in the art would recognize sending the polling signals at predetermined time saves power and helps minimize signal collusion and distortions, also, it is well known and widely used, in the communication art, sending signals at different predetermined times. However, the combination of de la Huerga and Lind et al., does not expressly disclose a controller configured to determine a time for sending the second polling signal depending upon a content of the first data and to control the transmitter to send the second polling signal at the determined time. In a similar field, Yarin et al., discloses a controller configured to determine a time for sending the second signal depending upon a content of the first data and to control the transmission of a second signal at the determined time (Col. 9-11).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the combination of de la Huerga and Lind et al., by incorporating determining a time for sending the second signal depending upon a content of the first data, as taught by Yarin et al., in order to have a data receiver station for use with a data acquisition and transfer device, the data acquisition and transfer device having first

and second sensors each responsive to a change of a predetermined nature and, a controller configured to determine a time for sending the second polling signal depending upon a content of the first data and to control the transmission of a second polling signal at the determined time, because Yarin et al., discloses data receiver station configured to send polling signals to the data acquisition and transfer device requesting data associated with a change detected by the multiple sensors, the data is received and used to alter data and send signals indicating the changed data and time based on the received data and one skilled in the art would recognize the receiver station may be configured to send a multiple polling signal to the data acquisition and transfer device requesting data associated with a change detected by multiple sensors, and have additional polling signal requesting data associated with a change detected by additional sensors and setting a time for sending subsequent polling signals depending upon the content of the previous data.

20 Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yarin et al., (6,294,999) in view of US publication of Lind et al., (20030033032).

21 As to claim 12, Yarin et al., discloses a data receiver station for use with at least one data acquisition and transfer device (Col. 5, lines 34-47; Items 14, 16 and 18 of figures 1 and 2), the device having a sensor responsive to change of a predetermined nature (Col. 7, lines 1-10; Col. 8, lines 49-58; Col. 9-10), a transmitter for transmitting over the network data concerning the occurrence of such a change to the data receiver

station (Col. 5, lines 22-48; Col. 7, lines 11-53), a memory for storing the or each occurrence of a change (Col. 3, lines 37-38; Col. 7, lines 1-10; Col. 8, lines 49-58), a receiver adapted to receive data transmitted over the network by the or each data acquisition and transfer device (Col. 6, lines 4-5; Col. 7, lines 12-21 Col. 8, lines 59-66; Col. 11-12). However, Yarin et al., does not expressly disclose the transmission being over a mobile phone network, a receiver for receiving a polling signal from the receiver station over a mobile phone network, and microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in said memory to said receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device, a receiver adapted to receive data transmitted over the mobile phone network by the or each data acquisition and transfer device, a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events, and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in the or each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when the or each target data acquisition and sensor device is switched on. Lind et al., discloses the transmission

over the mobile phone network, a receiver for receiving a polling signal over a mobile phone network, and microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in said memory to said receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device, a receiver adapted to receive data transmitted over the mobile phone network by the or each data acquisition and transfer device, a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events, and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in the or each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when the or each target data acquisition and sensor device is switched on ((Page 3, Par. 0031, 0036 and 0043; Page 6, Par. 0057; Figures 2-4 and 10-13).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify a data receiver station for use with at least one data acquisition and transfer device of Yarin et al., by incorporating the data transmitting and receiving system and method, as disclosed by Lind et al., in order to have a data receiver station

for use with at least one data acquisition and transfer device, the device having a sensor responsive to change of a predetermined nature, a transmitter for transmitting over the mobile phone network data concerning the occurrence of such a change to the data receiver station, a memory for storing the or each occurrence of a change, a receiver for receiving a polling signal from the receiver station over the mobile phone network and microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in said memory to said receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device, a receiver adapted to receive data transmitted over the mobile phone network by the or each data acquisition and transfer device, a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events, and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in the or each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when the or each target data acquisition and sensor device is switched on, because Yarin et al., discloses a data receiver station for use with at least one data acquisition and transfer device a microprocessor means including a clock to

store the occurrence of a change a memory by employing a polling means to request information from each individual sensor that are responsive to change of a predetermined nature and time. The data acquisition and transfer device also a transmit the data over the wired or wireless network to a receiver station and Lind et al., discloses a data acquisition and transfer device that receive a polling signal from the receiver station over a mobile phone network and microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in said memory to said receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises adapted to send polling signals to each data acquisition and transfer device. Also, sending a polling signal to a dormant transceivers to minimize power consumption and having a clock synchronized with such devices to wakeup periodically and send or receive signal is well known and widely used I the data transmission and communication arts.

### Conclusion

22     **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

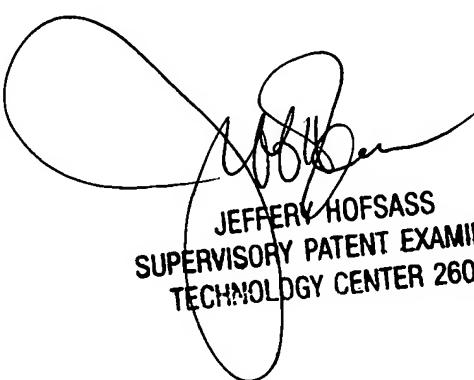
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sisay Yacob

07/28/2006

S.Y.



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